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HANCE, ROBERT J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/565,905

**Applicant(s)**

YAMAGUCHI ET AL.

**Examiner**

ROBERT HANCE

**Art Unit**

2421

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-7,9-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments with respect to claims 1, 3-7, 9-13, 15 and 16 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-5, 9, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh et al., US Patent No 6,115,057 in view of Corvin, US Pub No. 2001/0054181, in view of Conkwright et al., US Pub No. 2002/0133490 and further in view of Leung et al., US Pub No. 2002/0095673.

**As to claim 1** Kwoh et al. disclose a broadcast receiving terminal which receives a broadcast wave and displays broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and

said broadcast receiving terminal comprises: a receiving unit operable to receive the broadcast wave (Fig. 1: 43);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a judging unit operable to judge, based on a user's operation, whether or not the broadcast contents should be displayed (Fig. 1: 40; col. 11 lines 59-64);

a display control unit operable to perform image processing on the stream information of the broadcast wave received by said receiving unit, and to cause said display unit to display the broadcast contents, when said judging unit judges that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation unit operable to present the outline, so that the outline synchronizes with the broadcast contents, which is indicated by the outline information transmitted by the broadcast wave received by said receiving unit, when said judging unit judges that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d).

a function processing unit operable to activate and terminate a predetermined function based on a user's operation (Figs. 7-11),

wherein said judging unit is operable to:

judge that the broadcast contents should not be displayed, when the predetermined function is activated, and to judge that the broadcast contents should be displayed, when the predetermined function is terminated (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein said function processing unit is further operable to cause, when the predetermined function has been activated, said display unit to display a function

processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is

viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

The combined system of Kwoh and Corvin fails to disclose that the broadcast wave includes a release flag which releases the limitations on the judgment; and that the stream information is continuously displayed until the release flag is received by said receiving unit.

However, in an analogous art, Conkwright discloses a broadcast wave that includes a release flag which releases the limitations on the judgment of a set top box; and that the stream information is continuously displayed until the release flag is received by said receiving unit ([0290]-[0292] – during a “SureView” advertisement, a user is unable to change channels. When the advertisement finishes, the channel can be changed. Therefore, the end of a “SureView” advertisement is a release flag which releases the limitations on the judgment of the set top box).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Conkwright, the rationale being to allow users to regain control of their set top box once a forced advertisement finishes.

The combined system of Kwoh, Corvin and Conkwright fails to disclose that the function processing image is displayed while the outline is displayed and is different from the outline.

However, in an analogous art, Leung discloses a parental controls function processing image that is not an outline and is displayed when a predetermined parental control function is activated (Fig. 66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin and Conkwright with the teachings of Leung by displaying a function processing image, such as that disclosed by Leung, alongside the plot outline disclosed by Kwoh. The rationale for this modification would have been to inform viewers that the scene is blocked as a result of parental controls, while providing the outline of Kwoh.

**As to claim 3** the combined system of Kwoh, Corvin, Conkwright and Leung disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is operable to cause said display unit to display the outline as a character string (Kwoh Figs. 32a-32d).

**As to claim 4** the combined system of Kwoh, Corvin, Conkwright and Leung disclose the broadcast receiving terminal according to claim 3, wherein said display unit has a first display area, and a second display area smaller than the first display area, said display control unit is operable to display the broadcast contents in the first display area, and said outline presentation unit is operable to display the outline in the second display area (Kwoh Figs. 32a-32d – first display area is the entire television screen, and

second display area, smaller than the first display area, is the area in which the text is displayed).

**As to claim 5** the combined system of Kwoh, Corvin, Conkwright and Leung disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is operable to notify the user of the outline indicated by the outline information with a voice (Kwoh col. 16 lines 30-34).

**As to claim 9** the combined system of Kwoh, Corvin, Conkwright and Leung disclose the broadcast receiving terminal according to claim 1, further comprising a reception unit operable to receive an instruction to display/not display the broadcast contents, based on the user's operation (Kwoh Fig. 1: 32; 40; Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), wherein said judging unit is operable to judge that the broadcast contents should be displayed, when an instruction to display is received by said reception unit, and operable to judge that the broadcast contents should not be displayed, when an instruction not to display is received by said reception unit (Kwoh col. 3 line 53 – col. 4 line 24; parental control circuitry is controlled by user input; col. 11 lines 59-64).

**As to claim 15** Kwoh et al. disclose a broadcast receiving method of receiving a broadcast wave and displaying broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and



wherein said broadcast receiving method comprises: a receiving step of receiving the broadcast wave (Fig. 1: 43);

a judging step of judging whether or not the broadcast contents should be displayed based on a user's operation (Fig. 1: 40; col. 11 lines 59-64);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a display control step of executing an image processing on the stream information of the broadcast wave received in said receiving step and causing said broadcast contents to be displayed on a display unit, when it is judged, in said judging step, that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation step of presenting the outline, which is indicated by the outline information received in said receiving step, so that the outline synchronizes with the broadcast contents, when it is judged, in said judging step, that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d), and

a function processing step of activating and terminating a predetermined function based on a user's operation (Figs. 7-11),

wherein in said judging step:

when the predetermined function is activated, it is judged that the broadcast contents should not be displayed, and when the predetermined function is terminated, it is judged that the broadcast contents should be displayed (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein in said function processing step, when the predetermined function has been activated, said display unit is caused to display a function processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

The combined system of Kwoh and Corvin fails to disclose that the broadcast wave includes a release flag which releases the limitations on the judgment; and that the stream information is continuously displayed until the release flag is received by said receiving unit.

However, in an analogous art, Conkwright discloses a broadcast wave that includes a release flag which releases the limitations on the judgment of a set top box; and that the stream information is continuously displayed until the release flag is received by said receiving unit ([0290]-[0292] – during a “SureView” advertisement, a user is unable to change channels. When the advertisement finishes, the channel can be changed. Therefore, the end of a “SureView” advertisement is a release flag which releases the limitations on the judgment of the set top box).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of

Conkwright, the rationale being to allow users to regain control of their set top box once a forced advertisement finishes.

The combined system of Kwoh, Corvin and Conkwright fails to disclose that the function processing image is displayed while the outline is displayed and is different from the outline.

However, in an analogous art, Leung discloses a parental controls function processing image that is not an outline and is displayed when a predetermined parental control function is activated (Fig. 66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin and Conkwright with the teachings of Leung by displaying a function processing image such as that disclosed by Leung alongside the plot outline disclosed by Kwoh. The rationale for this modification would have been to inform viewers that the scene is blocked as a result of parental controls, while providing the outline of Kwoh.

**As to claim 16** Kwoh et al. disclose a program recorded on a computer-readable recording medium, for receiving a broadcast wave and displaying broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and

wherein said broadcast receiving method comprises: a receiving step of receiving the broadcast wave (Fig. 1: 43);

a judging step of judging whether or not the broadcast contents should be displayed based on a user's operation (Fig. 1: 40; col. 11 lines 59-64);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a display control step of executing an image processing on the stream information of the broadcast wave received in said receiving step and causing said broadcast contents to be displayed on a display unit, when it is judged, in said judging step, that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation step of presenting the outline, which is indicated by the outline information received in said receiving step, so that the outline synchronizes with the broadcast contents, when it is judged, in said judging step, that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d), and

a function processing step of activating and terminating a predetermined function based on a user's operation (Figs. 7-11),

wherein in said judging step:

when the predetermined function is activated, it is judged that the broadcast contents should not be displayed, and when the predetermined function is terminated, it is judged that the broadcast contents should be displayed (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein in said function processing step, when the predetermined function has been activated, said display unit is caused to display a function processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-

32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the

contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

The combined system of Kwoh and Corvin fails to disclose that the broadcast wave includes a release flag which releases the limitations on the judgment; and that the stream information is continuously displayed until the release flag is received by said receiving unit.

However, in an analogous art, Conkwright discloses a broadcast wave that includes a release flag which releases the limitations on the judgment of a set top box; and that the stream information is continuously displayed until the release flag is received by said receiving unit ([0290]-[0292] – during a “SureView” advertisement, a user is unable to change channels. When the advertisement finishes, the channel can be changed. Therefore, the end of a “SureView” advertisement is a release flag which releases the limitations on the judgment of the set top box).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Conkwright, the rationale being to allow users to regain control of their set top box once a forced advertisement finishes.

The combined system of Kwoh, Corvin and Conkwright fails to disclose that the function processing image is displayed while the outline is displayed and is different from the outline.

However, in an analogous art, Leung discloses a parental controls function processing image that is not an outline and is displayed when a predetermined parental control function is activated (Fig. 66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin and Conkwright with the teachings of Leung by displaying a function processing image such as that disclosed by Leung alongside the plot outline disclosed by Kwoh. The rationale for this modification would have been to inform viewers that the scene is blocked as a result of parental controls, while providing the outline of Kwoh.

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, Corvin, Conkwright and Leung as applied to claims 1 and 12 above, and further in view of Tsukagoshi, US Patent No 5,684,542.

**As to claims 6 and 13** the combined system of Kwoh, Corvin, Conkwright and Leung fail to disclose that the outline information includes time information indicating the time when the outline should be presented, and said outline presentation unit is operable to present the outline when the present time matches the time indicated by the time information.

However, in an analogous art, Tsukagoshi discloses including time information with text information which is to be displayed along with broadcast content (col. 11 line 65 - col. 12 line 16).



It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin, Conkwright and Leung with the teachings of Tsukagoshi. The rationale for this combination would have been to synchronize text and broadcast data when the broadcast is digital, and thus embedding the text in the VBI is not possible. In this situation, including time information with the text would be necessary for the system of Kwoh et al. to work.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, Corvin, Conkwright and Leung as applied to claim 1 above, and further in view of Palmer, US Patent No 5,195,135.

**As to claim 7** the combined system of Kwoh, Corvin, Conkwright and Leung fail to disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is further operable to perform image processing on the stream information of the broadcast wave received by said receiving unit, and to cause said display unit to display a moving picture with a lower image quality than the broadcast contents displayed by said display control unit, when said judging unit judges that broadcast contents should not be displayed.

However, in an analogous art, Palmer discloses censoring a video image by displaying the image with a lower image quality when it is decided that censorship is desired (col. 3 lines 3-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin, Conkwright and Leung with the teachings of Palmer. The motivation for this combination would have been to create a more visually pleasing censoring technique (see Palmer Abstract).

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh, Corvin, Conkwright and Leung as applied to claim 1 above, and further in view of Lee et al., US Pub No 2001/0049296.

**As to claim 10** the combined system of Kwoh, Corvin, Conkwright and Leung fail to disclose the broadcast receiving terminal according to claim 1, wherein said broadcast receiving terminal is configured in first and second forms, which can be switched between in accordance with a user's operation; and said judging unit is operable to judge that the broadcast contents should be displayed, when said broadcast receiving terminal is in the first form, and to judge that the broadcast contents should not be displayed, when said broadcast receiving terminal is in the second form.

However, in an analogous art, Lee et al. disclose a receiving terminal that is configured in two forms, where the information displayed on the terminal changes when the user changes the form of the terminal (Abstract, Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin, Conkwright and Leung with the teachings of Lee et al. to display the text summary of the broadcast when the

terminal is in a first form, and to display the full video of the broadcast when the terminal is in a second form. The rationale for this combination would have been to allow a user to follow a broadcast program regardless of whether the terminal is in an open or closed state.

**As to claim 11** the combined system of Kwoh, Corvin, Conkwright and Leung fail to disclose the broadcast receiving terminal according to claim 10, wherein said display unit includes a first display unit, which appears on the surface when said broadcast receiving terminal is in the first form, and a second display unit, which appears on the surface when said broadcast receiving terminal is in the second form, said display control unit is operable to cause said first display unit to display the broadcast contents, and said outline presentation unit is operable to cause said second display unit to display the outline.

However, in an analogous art, Lee et al. disclose a device which has a first display unit which appears on the surface when the device is in a first form and a second display unit which appears on the surface when the device is in a second form (Fig. 3C: 30a and 30b), and the information displayed on the display devices depends on the form of the device (Fig. 6; Abstract); and a receiving terminal that is configured in two forms, where the information displayed on the terminal changes when the user changes the form of the terminal (Abstract, Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh, Corvin, Conkwright and Leung with the teachings of Lee et al. to display the text summary of the broadcast when the

terminal is in a first form, and to display the full video of the broadcast when the terminal is in a second form. The rationale for this combination would have been to allow a user to follow a broadcast program regardless of whether the terminal is in an open or closed state.

6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh in view of Corvin and further in view of Conkwright.

**As to claim 12** the combined system of Kwoh and Corvin, as applied to claim 1 above, disclose a broadcast apparatus which transmits a broadcast wave (Kwoh Fig. 20), said broadcast apparatus comprising:

an outline information generating unit operable to generate an outline information indicating an outline of broadcast contents of the broadcast wave (Kwoh col. 14 line 66 – col. 15 line 21); and

a transmission unit operable to transmit the outline information on the broadcast wave so that the outline indicated by the outline information is synchronized with the broadcast contents (Kwoh Fig. 30; Fig. 23-24, 27-28 – outline information is inserted into the VBI along with broadcast contents at the times according to when it is to be displayed, therefore the two are synchronized),

wherein said transmission unit is operable to transmit, included in the broadcast wave, a limit flag (Corvin [0028] – a designation identifying a forced advertisement is a

limit flag) which imposes a limitation on a display of a broadcast contents so that the display of the broadcast content is forced to continue (Corvin Abs; claims 9 and 11).

The combined system of Kwoh and Corvin fails to disclose that the broadcast wave includes a release flag which releases the limitations imposed by the limit flag.

However, in an analogous art, Conkwright discloses a broadcast wave that includes a release flag which releases the limitations on the judgment of a set top box; and that the stream information is continuously displayed until the release flag is received by said receiving unit ([0290]-[0292] – during a “SureView” advertisement, a user is unable to change channels. When the advertisement finishes, the channel can be changed. Therefore, the end of a “SureView” advertisement is a release flag which releases the limitations on the judgment of the set top box).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Conkwright, the rationale being to allow users to regain control of their set top box once a forced advertisement finishes.

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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